

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Tax and Fiscal Policy, to which was referred House Bill No. 1083, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 taxation.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 4-4-11-15 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 15. (a) The authority
- 7 is granted all powers necessary or appropriate to carry out and
- 8 effectuate its public and corporate purposes under this chapter,
- 9 IC 4-4-21, and IC 15-7-5, including but not limited to the following:
- 10 (1) Have perpetual succession as a body politic and corporate and
- 11 an independent instrumentality exercising essential public
- 12 functions.
- 13 (2) Without complying with IC 4-22-2, adopt, amend, and repeal
- 14 bylaws, rules, and regulations not inconsistent with this chapter,
- 15 IC 4-4-21, and IC 15-7-5 and necessary or convenient to regulate
- 16 its affairs and to carry into effect the powers, duties, and purposes
- 17 of the authority and conduct its business.
- 18 (3) Sue and be sued in its own name.
- 19 (4) Have an official seal and alter it at will.
- 20 (5) Maintain an office or offices at a place or places within the
- 21 state as it may designate.

1 (6) Make and execute contracts and all other instruments
2 necessary or convenient for the performance of its duties and the
3 exercise of its powers and functions under this chapter, IC 4-4-21,
4 and IC 15-7-5.

5 (7) Employ architects, engineers, attorneys, inspectors,
6 accountants, agriculture experts, silviculture experts, aquaculture
7 experts, and financial experts, and such other advisors,
8 consultants, and agents as may be necessary in its judgment and
9 to fix their compensation.

10 (8) Procure insurance against any loss in connection with its
11 property and other assets, including loans and loan notes in
12 amounts and from insurers as it may consider advisable.

13 (9) Borrow money, make guaranties, issue bonds, and otherwise
14 incur indebtedness for any of the authority's purposes, and issue
15 debentures, notes, or other evidences of indebtedness, whether
16 secured or unsecured, to any person, as provided by this chapter,
17 IC 4-4-21, and IC 15-7-5.

18 (10) Procure insurance or guaranties from any public or private
19 entities, including any department, agency, or instrumentality of
20 the United States, for payment of any bonds issued by the
21 authority or for reinsurance on amounts paid from the industrial
22 development project guaranty fund, including the power to pay
23 premiums on any insurance or reinsurance.

24 (11) Purchase, receive, take by grant, gift, devise, bequest, or
25 otherwise, and accept, from any source, aid or contributions of
26 money, property, labor, or other things of value to be held, used,
27 and applied to carry out the purposes of this chapter, IC 4-4-21,
28 and IC 15-7-5, subject to the conditions upon which the grants or
29 contributions are made, including but not limited to gifts or grants
30 from any department, agency, or instrumentality of the United
31 States, and lease or otherwise acquire, own, hold, improve,
32 employ, use, and otherwise deal in and with real or personal
33 property or any interest in real or personal property, wherever
34 situated, for any purpose consistent with this chapter, IC 4-4-21,
35 or IC 15-7-5.

36 (12) Enter into agreements with any department, agency, or
37 instrumentality of the United States or this state and with lenders
38 and enter into loan agreements, sales contracts, and leases with

1 contracting parties, including borrowers, lenders, developers, or
2 users, for the purpose of planning, regulating, and providing for
3 the financing and refinancing of any agricultural enterprise (as
4 defined in IC 15-7-4.9-2), rural development project (as defined
5 in IC 15-7-4.9-19.5), industrial development project, or
6 international exports, and distribute data and information
7 concerning the encouragement and improvement of agricultural
8 enterprises and agricultural employment, rural development
9 projects, industrial development projects, international exports,
10 and other types of employment in the state undertaken with the
11 assistance of the authority under this chapter.

12 (13) Enter into contracts or agreements with lenders and lessors
13 for the servicing and processing of loans and leases pursuant to
14 this chapter, IC 4-4-21, and IC 15-7-5.

15 (14) Provide technical assistance to local public bodies and to
16 profit and nonprofit entities in the development or operation of
17 agricultural enterprises, rural development projects, and industrial
18 development projects.

19 (15) To the extent permitted under its contract with the holders of
20 the bonds of the authority, consent to any modification with
21 respect to the rate of interest, time, and payment of any
22 installment of principal or interest, or any other term of any
23 contract, loan, loan note, loan note commitment, contract, lease,
24 or agreement of any kind to which the authority is a party.

25 (16) To the extent permitted under its contract with the holders of
26 bonds of the authority, enter into contracts with any lender
27 containing provisions enabling it to reduce the rental or carrying
28 charges to persons unable to pay the regular schedule of charges
29 when, by reason of other income or payment by any department,
30 agency, or instrumentality of the United States of America or of
31 this state, the reduction can be made without jeopardizing the
32 economic stability of the agricultural enterprise, rural
33 development project, or industrial development project being
34 financed.

35 (17) Invest any funds not needed for immediate disbursement,
36 including any funds held in reserve, in direct and general
37 obligations of or obligations fully and unconditionally guaranteed
38 by the United States, obligations issued by agencies of the United

1 States, obligations of this state, or any obligations or securities
2 which may from time to time be legally purchased by
3 governmental subdivisions of this state pursuant to IC 5-13, or any
4 obligations or securities which are permitted investments for bond
5 proceeds or any construction, debt service, or reserve funds
6 secured under the trust indenture or resolution pursuant to which
7 bonds are issued.

8 (18) Collect fees and charges, as the authority determines to be
9 reasonable, in connection with its loans, guarantees, advances,
10 insurance, commitments, and servicing.

11 (19) Cooperate and exchange services, personnel, and information
12 with any federal, state, or local government agency, or
13 instrumentality of the United States or this state.

14 (20) Sell, at public or private sale, with or without public bidding,
15 any loan or other obligation held by the authority.

16 (21) Enter into agreements concerning, and acquire, hold, and
17 dispose by any lawful means, land or interests in land, building
18 improvements, structures, personal property, franchises, patents,
19 accounts receivable, loans, assignments, guarantees, and insurance
20 needed for the purposes of this chapter, IC 4-4-21, or IC 15-7-5.

21 (22) Take assignments of accounts receivable, loans, guarantees,
22 insurance, notes, mortgages, security agreements securing notes,
23 and other forms of security, attach, seize, or take title by
24 foreclosure or conveyance to any industrial development project
25 when a guaranteed loan thereon is clearly in default and when in
26 the opinion of the authority such acquisition is necessary to
27 safeguard the industrial development project guaranty fund, and
28 sell, or on a temporary basis, lease, or rent such industrial
29 development project for any use.

30 (23) Expend money, as the authority considers appropriate, from
31 the industrial development project guaranty fund created by
32 section 16 of this chapter.

33 (24) Purchase, lease as lessee, construct, remodel, rebuild,
34 enlarge, or substantially improve industrial development projects,
35 including land, machinery, equipment, or any combination
36 thereof.

37 (25) Lease industrial development projects to users or developers,
38 with or without an option to purchase.

- 1 (26) Sell industrial development projects to users or developers,
2 for consideration to be paid in installments or otherwise.
- 3 (27) Make direct loans from the proceeds of the bonds to users or
4 developers for:
- 5 (A) the cost of acquisition, construction, or installation of
6 industrial development projects, including land, machinery,
7 equipment, or any combination thereof; or
- 8 (B) eligible expenditures for an educational facility project
9 described in IC 4-4-10.9-6.2(a)(2);
- 10 with the loans to be secured by the pledge of one (1) or more
11 bonds, notes, warrants, or other secured or unsecured debt
12 obligations of the users or developers.
- 13 (28) Lend or deposit the proceeds of bonds to or with a lender for
14 the purpose of furnishing funds to such lender to be used for
15 making a loan to a developer or user for the financing of industrial
16 development projects under this chapter.
- 17 (29) Enter into agreements with users or developers to allow the
18 users or developers, directly or as agents for the authority, to
19 wholly or partially construct industrial development projects to be
20 leased from or to be acquired by the authority.
- 21 (30) Establish reserves from the proceeds of the sale of bonds,
22 other funds, or both, in the amount determined to be necessary by
23 the authority to secure the payment of the principal and interest on
24 the bonds.
- 25 (31) Adopt rules governing its activities authorized under this
26 chapter, IC 4-4-21, and IC 15-7-5.
- 27 (32) Use the proceeds of bonds to make guaranteed participating
28 loans.
- 29 (33) Purchase, discount, sell, and negotiate, with or without
30 guaranty, notes and other evidences of indebtedness.
- 31 (34) Sell and guarantee securities.
- 32 (35) Make guaranteed participating loans under IC 4-4-21-26.
- 33 (36) Procure insurance to guarantee, insure, coinsure, and reinsure
34 against political and commercial risk of loss, and any other
35 insurance the authority considers necessary, including insurance
36 to secure the payment of principal and interest on notes or other
37 obligations of the authority.
- 38 (37) Provide performance bond guarantees to support eligible

- 1 export loan transactions, subject to the terms of this chapter or
2 IC 4-4-21.
- 3 (38) Provide financial counseling services to Indiana exporters.
- 4 (39) Accept gifts, grants, or loans from, and enter into contracts or
5 other transactions with, any federal or state agency, municipality,
6 private organization, or other source.
- 7 (40) Sell, convey, lease, exchange, transfer, or otherwise dispose
8 of property or any interest in property, wherever the property is
9 located.
- 10 (41) Cooperate with other public and private organizations to
11 promote export trade activities in Indiana.
- 12 (42) Make guarantees and administer the agricultural loan and
13 rural development project guarantee fund established by
14 IC 15-7-5.
- 15 (43) Take assignments of notes and mortgages and security
16 agreements securing notes and other forms of security, and attach,
17 seize, or take title by foreclosure or conveyance to any
18 agricultural enterprise or rural development project when a
19 guaranteed loan to the enterprise or rural development project is
20 clearly in default and when in the opinion of the authority the
21 acquisition is necessary to safeguard the agricultural loan and
22 rural development project guarantee fund, and sell, or on a
23 temporary basis, lease or rent the agricultural enterprise or rural
24 development project for any use.
- 25 (44) Expend money, as the authority considers appropriate, from
26 the agricultural loan and rural development project guarantee fund
27 created by IC 15-7-5-19.5.
- 28 (45) Reimburse from bond proceeds expenditures for industrial
29 development projects under this chapter.
- 30 (46) Do any act necessary or convenient to the exercise of the
31 powers granted by this chapter, IC 4-4-21, or IC 15-7-5, or
32 reasonably implied from those statutes, including but not limited
33 to compliance with requirements of federal law imposed from
34 time to time for the issuance of bonds.
- 35 **(47) Issue bonds under terms and conditions determined by**
36 **the authority and use the proceeds of the bonds to acquire**
37 **obligations issued by any entity authorized to acquire, finance,**
38 **construct, or lease capital improvements under IC 5-1-17.**

(b) The authority's powers under this chapter shall be interpreted broadly to effectuate the purposes of this chapter and may not be construed as a limitation of powers.

(c) This chapter does not authorize the financing of industrial development projects for a developer unless any written agreement that may exist between the developer and the user at the time of the bond resolution is fully disclosed to and approved by the authority.

SECTION 2. IC 5-1-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]:

Chapter 17. Indiana Stadium and Convention Building Authority

Sec. 1. As used in this chapter, "authority" refers to the Indiana stadium and convention building authority created by this chapter.

Sec. 2. As used in this chapter, "board" refers to the board of directors of the authority.

Sec. 3. As used in this chapter, "bonds" means bonds, notes, commercial paper, or other evidences of indebtedness. The term includes obligations (as defined in IC 8-9.5-9-3) and swap agreements (as defined in IC 8-9.5-9-4).

Sec. 4. As used in this chapter, "capital improvement board" refers to a capital improvement board of managers created by IC 36-10-8 or IC 36-10-9.

Sec. 5. As used in this chapter, "state agency" has the meaning set forth in IC 4-13.5-1-1.

Sec. 6. An Indiana stadium and convention building authority is created in the state as a separate body corporate and politic as an instrumentality of the state to acquire, construct, equip, own, lease, and finance facilities for lease to or for the benefit of a capital improvement board.

Sec. 7. (a) The board is composed of the following seven (7) members, who must be residents of the state:

(1) Two (2) members appointed by the governor.

(2) One (1) member appointed by the president pro tempore of the senate.

(3) One (1) member appointed by the speaker of the house of representatives.

(4) Two (2) members appointed by the executive of a county

1 **having a consolidated first class city.**

2 **(5) One (1) member appointed by the county fiscal body of a**
 3 **county that is contiguous to a county having a consolidated**
 4 **city, determined as follows:**

5 **(A) The member appointed for the initial term shall be**
 6 **appointed by the contiguous county that has the largest**
 7 **population of all the contiguous counties that have adopted**
 8 **an ordinance to impose a food and beverage tax under**
 9 **IC 6-9-35.**

10 **(B) The member appointed for each successive term shall**
 11 **be appointed by the contiguous county that:**

12 **(i) contributed the most revenues from the tax imposed**
 13 **by IC 6-9-35 to the capital improvement board of**
 14 **managers created by IC 36-10-9-3 in the immediately**
 15 **previous calendar year; and**

16 **(ii) has not previously made an appointment to the board**
 17 **or, if all the contributing counties have previously made**
 18 **such an appointment, is the one (1) whose then most**
 19 **recent appointment occurred before those of all the other**
 20 **contributing counties.**

21 **(b) A member appointed under subsection (a)(1) through (a)(4)**
 22 **is entitled to serve a three (3) year term. A member appointed**
 23 **under subsection (a)(5) is entitled to serve a one (1) year term. A**
 24 **member may be reappointed to subsequent terms.**

25 **(c) If a vacancy occurs on the board, the person or body who**
 26 **made the appointment of the vacated member shall fill the vacancy**
 27 **by appointing a new member for the remainder of the vacated**
 28 **term.**

29 **(d) A board member may be removed for cause by the**
 30 **appointing authority that appointed the member.**

31 **(e) Each member, before entering upon the duties of office, must**
 32 **take and subscribe an oath of office under IC 5-4-1, which shall be**
 33 **endorsed upon the certificate of appointment and filed with the**
 34 **records of the board.**

35 **Sec. 8. (a) The board shall hold an initial organizational meeting**
 36 **on or before June 30, 2005. Immediately after January 15 of each**
 37 **year, the board shall hold its annual organizational meeting.**

38 **(b) The governor shall appoint a member of the board to serve**

1 as chair of the board.

2 (c) The board shall elect one (1) of the members vice chair and
 3 another secretary-treasurer to perform the duties of those offices.
 4 These officers serve from the date of their election and until their
 5 successors are elected and qualified. The board may elect an
 6 assistant secretary-treasurer.

7 (d) Special meetings may be called by the chair of the board or
 8 any three (3) members of the board.

9 (e) A majority of the members constitutes a quorum, and the
 10 concurrence of a majority of the members is necessary to authorize
 11 any action.

12 Sec. 9. The board may adopt the bylaws and rules it considers
 13 necessary for the proper conduct of its duties and the safeguarding
 14 of the funds and property entrusted to its care.

15 Sec. 10. The authority is organized for the following purposes:

16 (1) Acquiring, financing, constructing, and leasing land and
 17 capital improvements to or for the benefit of a capital
 18 improvement board.

19 (2) Financing and constructing additional improvements to
 20 capital improvements owned by the authority and leasing
 21 them to or for the benefit of a capital improvement board.

22 (3) Acquiring land or all or a portion of one (1) or more
 23 capital improvements from a capital improvement board by
 24 purchase or lease and leasing the land or these capital
 25 improvements back to the capital improvement board, with
 26 any additional improvements that may be made to them.

27 (4) Acquiring all or a portion of one (1) or more capital
 28 improvements from a capital improvement board by purchase
 29 or lease to fund or refund indebtedness incurred on account
 30 of those capital improvements to enable the capital
 31 improvement board to make a savings in debt service
 32 obligations or lease rental obligations or to obtain relief from
 33 covenants that the capital improvement board considers to be
 34 unduly burdensome.

35 Sec. 11. The authority may also:

36 (1) finance, improve, construct, reconstruct, renovate,
 37 purchase, lease, acquire, and equip land and capital
 38 improvements;

- 1 (2) lease the land or those capital improvements to a capital
- 2 improvement board;
- 3 (3) sue, be sued, plead, and be impleaded;
- 4 (4) condemn, appropriate, lease, rent, purchase, and hold any
- 5 real or personal property needed or considered useful in
- 6 connection with capital improvements;
- 7 (5) acquire real or personal property by gift, devise, or
- 8 bequest and hold, use, or dispose of that property for the
- 9 purposes authorized by this chapter;
- 10 (6) after giving notice, enter upon any lots or lands for the
- 11 purpose of surveying or examining them to determine the
- 12 location of a capital improvement;
- 13 (7) design, order, contract for, and construct, reconstruct, and
- 14 renovate any capital improvements or improvements thereto;
- 15 (8) employ managers, superintendents, architects, engineers,
- 16 attorneys, auditors, clerks, construction managers, and other
- 17 employees;
- 18 (9) make and enter into all contracts and agreements
- 19 necessary or incidental to the performance of its duties and
- 20 the execution of its powers under this chapter; and
- 21 (10) take any other action necessary to implement its purposes
- 22 as set forth in section 10 of this chapter.

23 Sec. 12. (a) Bonds issued under IC 36-10-8 or IC 36-10-9 or
 24 prior law may be refunded as provided in this section.

25 (b) A capital improvement board may:

- 26 (1) lease all or a portion of land or a capital improvement or
- 27 improvements to the authority, which may be at a nominal
- 28 lease rental with a lease back to the capital improvement
- 29 board, conditioned upon the authority assuming bonds issued
- 30 under IC 36-10-8 or IC 36-10-9 or prior law and issuing its
- 31 bonds to refund those bonds; and
- 32 (2) sell all or a portion of land or a capital improvement or
- 33 improvements to the authority for a price sufficient to provide
- 34 for the refunding of those bonds and lease back the land or
- 35 capital improvement or improvements from the authority.

36 Sec. 13. (a) Before a lease may be entered into by a capital
 37 improvement board under this chapter, the capital improvement
 38 board must find that the lease rental provided for is fair and

1 reasonable.

2 (b) A lease of land or capital improvements from the authority
3 to a capital improvement board:

4 (1) may not have a term exceeding forty (40) years;

5 (2) may not require payment of lease rentals for a newly
6 constructed capital improvement or for improvements to an
7 existing capital improvement until the capital improvement or
8 improvements thereto have been completed and are ready for
9 occupancy;

10 (3) may contain provisions:

11 (A) allowing the capital improvement board to continue to
12 operate an existing capital improvement until completion
13 of the improvements, reconstruction, or renovation of that
14 capital improvement or any other capital improvement;
15 and

16 (B) requiring payment of lease rentals for land, for an
17 existing capital improvement being used, reconstructed, or
18 renovated, or for any other existing capital improvement;

19 (4) may contain an option to renew the lease for the same or
20 shorter term on the conditions provided in the lease;

21 (5) must contain an option for the capital improvement board
22 to purchase the capital improvement upon the terms stated in
23 the lease during the term of the lease for a price equal to the
24 amount required to pay all indebtedness incurred on account
25 of the capital improvement, including indebtedness incurred
26 for the refunding of that indebtedness;

27 (6) may be entered into before acquisition or construction of
28 a capital improvement;

29 (7) must be approved by the executive of the county in which
30 the capital improvement board is located;

31 (8) may provide that the capital improvement board shall
32 agree to:

33 (A) pay all taxes and assessments thereon;

34 (B) maintain insurance thereon for the benefit of the
35 authority;

36 (C) assume responsibility for utilities, repairs, alterations,
37 and any costs of operation; and

38 (D) pay a deposit or series of deposits to the authority from

- 1 any funds legally available to the capital improvement
2 board before the commencement of the lease to secure the
3 performance of the capital improvement board's
4 obligations under the lease;
- 5 (9) subject to IC 36-10-8-13 and IC36-10-9-11, may provide
6 that the lease rental payments by the capital improvement
7 board shall be made from:
- 8 (A) proceeds of one (1) or more of the excise taxes as
9 defined in IC 36-10-8 or IC 36-10-9;
- 10 (B) proceeds of the county supplemental auto rental excise
11 tax imposed pursuant to IC 6-6-9.7;
- 12 (C) that part of the proceeds of the county food and
13 beverage tax imposed under IC 6-9-35, which the capital
14 improvement board or its designee receives pursuant
15 thereto;
- 16 (D) revenue captured under IC 36-7-31;
- 17 (E) net revenues of the capital improvement;
- 18 (F) any other funds available to the capital improvement
19 board; or
- 20 (G) any combination of the sources described in clauses (A)
21 through (F); and
- 22 (10) subject to IC 36-10-9-11, shall, with respect to a lease of
23 a capital improvement, consisting, in whole or in part, of a
24 stadium, to a capital improvement board created by
25 IC 36-10-9, provide that the lease rental payments by the
26 capital improvement board made in each calendar year shall
27 include the aggregate of the revenues generated during the
28 calendar year as a result of the use of the stadium by any
29 person or entity during any event, other than an event
30 involving the use of such stadium by a professional football
31 team; provided that, the amount of the revenues to be used for
32 rental payments in any calendar year shall not exceed the
33 lesser of:
- 34 (A) \$3,500,000; or
- 35 (B) the lease rental payments due in the calendar year.
- 36 (c) A capital improvement board may designate the authority as
37 its agent to receive on behalf of the capital improvement board any
38 of the revenues identified in subsection (b)(9) and (b)(10).

(d) The authority may not enter into a lease with a capital improvement board until the capital improvement board has presented evidence in form satisfactory to the state budget director of all agreements between the capital improvement board and any prospective users of the capital improvement with respect to its use and occupancy, the payment of licenses, fees, expenses and any other payments to be made by the user in connection with the use of the capital improvement, or any other matter related thereto.

Sec. 14. This chapter contains full and complete authority for leases between the authority and a capital improvement board. No law, procedure, proceedings, publications, notices, consents, approvals, orders, or acts by the board or the capital improvement board or any other officer, department, agency, or instrumentality of the state or any political subdivision is required to enter into any lease, except as prescribed in this chapter.

Sec. 15. If the lease provides for a capital improvement or improvements thereto to be constructed by the authority, the plans and specifications shall be submitted to and approved by all agencies designated by law to pass on plans and specifications for public buildings.

Sec. 16. The authority and a capital improvement board may enter into common wall (party wall) agreements or other agreements concerning easements or licenses. These agreements shall be recorded with the recorder of the county in which the capital improvement is located.

Sec. 17. (a) A capital improvement board may lease for a nominal lease rental, or sell to the authority, one (1) or more capital improvements or portions thereof or land upon which a capital improvement is located or is to be constructed.

(b) Any lease of all or a portion of a capital improvement by a capital improvement board to the authority must be for a term equal to the term of the lease of that capital improvement back to the capital improvement board.

(c) A capital improvement board may sell property to the authority for the amount it determines to be in the best interest of the capital improvement board. The authority may pay that amount from the proceeds of bonds of the authority.

Sec. 18. (a) Subject to subsection (h), the authority may issue

- 1 **bonds for the purpose of obtaining money to pay the cost of:**
2 **(1) acquiring real or personal property, including existing**
3 **capital improvements;**
4 **(2) constructing, improving, reconstructing, or renovating one**
5 **(1) or more capital improvements; or**
6 **(3) funding or refunding bonds issued under IC 36-10-8 or**
7 **IC 36-10-9 or prior law.**
8 **(b) The bonds are payable solely from the lease rentals from the**
9 **lease of the capital improvements for which the bonds were issued,**
10 **insurance proceeds, and any other funds pledged or available.**
11 **(c) The bonds shall be authorized by a resolution of the board.**
12 **(d) The terms and form of the bonds shall either be set out in the**
13 **resolution or in a form of trust indenture approved by the**
14 **resolution.**
15 **(e) The bonds shall mature within forty (40) years.**
16 **(f) The board shall sell the bonds at public or private sale upon**
17 **the terms determined by the board.**
18 **(g) All money received from any bonds issued under this chapter**
19 **shall be applied solely to the payment of the cost of the acquisition**
20 **or construction, or both, of capital improvements, or the cost of**
21 **refunding or refinancing outstanding bonds, for which the bonds**
22 **are issued. The cost may include:**
23 **(1) planning and development of the facility and all buildings,**
24 **facilities, structures, and improvements related to it;**
25 **(2) acquisition of a site and clearing and preparing the site for**
26 **construction;**
27 **(3) equipment, facilities, structures, and improvements that**
28 **are necessary or desirable to make the capital improvement**
29 **suitable for use and operations;**
30 **(4) architectural, engineering, consultant, and attorney fees;**
31 **(5) incidental expenses in connection with the issuance and**
32 **sale of bonds;**
33 **(6) reserves for principal and interest;**
34 **(7) interest during construction;**
35 **(8) financial advisory fees;**
36 **(9) insurance during construction;**
37 **(10) municipal bond insurance, debt service reserve insurance,**
38 **letters of credit, or other credit enhancement; and**

(11) in the case of refunding or refinancing, payment of the principal of, redemption premiums (if any) for, and interest on, the bonds being refunded or refinanced.

(h) The authority may not issue bonds under this chapter unless the authority first finds that the following conditions are met:

(1) Each contract for the construction of a facility and all buildings, facilities, structures, and improvements related to that facility to be financed in whole or in part through the issuance of the bonds requires payment of the common construction wage required by IC 5-16-7.

(2) An agreement has been entered into with any professional football team that will use any facility financed through the issuance of the bonds that provides all the following:

(A) No transferable license will be sold to a third party that entitles the third party to purchase a season ticket to professional football games at the facility for a period greater than one (1) year.

(B) At least three thousand (3,000) tickets for professional football games held at the facility must be sold at a price of:

(i) twenty-five dollars (\$25) or less per seat, including that part of the admissions tax described in IC 6-9-13-2(b)(1), during the first ten (10) years of operation of the facility;

(ii) twenty-eight dollars (\$28) or less per seat, including that part of the admissions tax described in IC 6-9-13-2(b)(1), during the next ten (10) years of operation of the facility; and

(iii) thirty-one dollars (\$31) or less per seat, including that part of the admissions tax described in IC 6-9-13-2(b)(1), during the next ten (10) years of operation of the facility.

These tickets must be clearly designated as tickets that may not be resold for a price higher than the face value of the ticket. However, the tickets may be resold for the same price with the consent of the professional football team that uses the facility.

A person who sells a license described in subdivision (2)(A) or

1 resells a ticket described in subdivision (2)(B) commits a Class A
2 misdemeanor.

3 **Sec. 19.** This chapter contains full and complete authority for
4 the issuance of bonds. No law, procedure, proceedings,
5 publications, notices, consents, approvals, orders, or acts by the
6 board or any other officer, department, agency, or instrumentality
7 of the state or of any political subdivision is required to issue any
8 bonds, except as prescribed in this chapter.

9 **Sec. 20.** Bonds issued under this chapter are legal investments
10 for private trust funds and the funds of banks, trust companies,
11 insurance companies, building and loan associations, credit unions,
12 banks of discount and deposit, savings banks, loan and trust and
13 safe deposit companies, rural loan and savings associations,
14 guaranty loan and savings associations, mortgage guaranty
15 companies, small loan companies, industrial loan and investment
16 companies, and other financial institutions organized under
17 Indiana law.

18 **Sec. 21. (a)** The authority may secure bonds issued under this
19 chapter by a trust indenture between the authority and a corporate
20 trustee, which may be any trust company or national or state bank
21 within Indiana that has trust powers.

22 **(b)** The trust indenture may:

23 (1) pledge or assign lease rentals, receipts, and income from
24 leased capital improvements, but may not mortgage land or
25 capital improvements;

26 (2) contain reasonable and proper provisions for protecting
27 and enforcing the rights and remedies of the bondholders,
28 including covenants setting forth the duties of the authority
29 and board;

30 (3) set forth the rights and remedies of bondholders and
31 trustee; and

32 (4) restrict the individual right of action of bondholders.

33 **(c)** Any pledge or assignment made by the authority under this
34 section is valid and binding from the time that the pledge or
35 assignment is made, against all persons whether they have notice
36 of the lien or not. Any trust indenture by which a pledge is created
37 or an assignment made need not be filed or recorded. The lien is
38 perfected against third parties by filing the trust indenture in the

1 records of the board.

2 Sec. 22. If a capital improvement board exercises its option to
3 purchase leased property, it may issue its bonds as authorized by
4 statute.

5 Sec. 23. All:

- 6 (1) property owned by the authority;
 - 7 (2) revenues of the authority; and
 - 8 (3) bonds issued by the authority, the interest on the bonds,
9 the proceeds received by a holder from the sale of bonds to the
10 extent of the holder's cost of acquisition, proceeds received
11 upon redemption before maturity, proceeds received at
12 maturity, and the receipt of interest in proceeds;
- 13 are exempt from taxation in Indiana for all purposes except the
14 financial institutions tax imposed under IC 6-5.5 or a state
15 inheritance tax imposed under IC 6-4.1.

16 Sec. 24. Any action to contest the validity of bonds to be issued
17 under this chapter may not be brought after the fifteenth day
18 following:

- 19 (1) the receipt of bids for the bonds, if the bonds are sold at
20 public sale; or
 - 21 (2) the publication one (1) time in a newspaper of general
22 circulation published in the county of notice of the execution
23 and delivery of the contract for the sale of bonds;
- 24 whichever occurs first.

25 Sec. 25. The authority shall not issue bonds in a principal
26 amount exceeding five hundred million dollars (\$500,000,000) to
27 finance any capital improvement in a county having a consolidated
28 first class city unless:

- 29 (1) on or before June 30, 2005, the county fiscal body:
 - 30 (A) increases the rate of the tax authorized by IC 6-6-9.7 by
 - 31 the maximum amount authorized by IC 6-6-9.7-7(c);
 - 32 (B) increases the rate of the tax authorized by IC 6-9-8 by
 - 33 the maximum amount authorized by IC 6-9-8-3(d);
 - 34 (C) increases the rate of tax authorized by IC 6-9-12 by the
 - 35 maximum amount authorized by IC 6-9-12-5(b); and
 - 36 (D) increases the rate of the tax authorized by IC 6-9-13 by
 - 37 the maximum amount authorized by IC 6-9-13-2(b); and
- 38 (2) on or before July 31, 2005, the budget director makes a

determination under IC 36-7-31-14.1 to increase the amount of money captured in a tax area established under IC 36-7-31 by up to eleven million dollars (\$11,000,000) per year, commencing July 1, 2007.

Sec. 26. (a) Notwithstanding any other law, any capital improvement that may be leased by the authority to a capital improvement board under this chapter may also be leased by the authority to any state agency. Any lease between the authority and a state agency under this chapter:

(1) must set forth the terms and conditions of the use and occupancy under the lease;

(2) must set forth the amounts agreed to be paid at stated intervals for the use and occupancy under the lease;

(3) must provide that the state agency is not obligated to continue to pay for the use and occupancy under the lease but is instead required to vacate the facility if it is shown that the terms and conditions of the use and occupancy and the amount to be paid for the use and occupancy are unjust and unreasonable considering the value of the services and facilities thereby afforded;

(4) must provide that the state agency is required to vacate the facility if funds have not been appropriated or are not available to pay any sum agreed to be paid for use and occupancy when due;

(5) may provide for such costs as maintenance, operations, taxes, and insurance to be paid by the state agency;

(6) may contain an option to renew the lease;

(7) may contain an option to purchase the facility for an amount equal to the amount required to pay the principal and interest of indebtedness of the authority incurred on account of the facility and expenses of the authority attributable to the facility;

(8) may provide for payment of sums for use and occupancy of an existing capital improvement being used by the state agency, but may not provide for payment of sums for use and occupancy of a new capital improvement until the construction of the capital improvement or portion thereof has been completed and the new capital improvement or a

1 portion thereof is available for use and occupancy by the state
2 agency; and

3 (9) may contain any other provisions agreeable to the
4 authority and the state agency.

5 (b) Any state agency that leases a capital improvement from the
6 authority under this chapter may sublease the capital improvement
7 to a capital improvement board under the terms and conditions set
8 forth in section 13 of this chapter.

9 (c) Notwithstanding any other law, in anticipation of the
10 construction of any capital improvement and the lease of that
11 capital improvement by the authority to a state agency, the
12 authority may acquire an existing facility owned by the state
13 agency and then lease the facility to the state agency. A lease made
14 under this subsection shall describe the capital improvement to be
15 constructed and may provide for the payment of rent by the state
16 agency for the use of the existing facility. If such rent is to be paid
17 pursuant to the lease, the lease shall provide that upon completion
18 of the construction of the capital improvement, the capital
19 improvement shall be substituted for the existing facility under the
20 lease. The rent required to be paid by the state agency pursuant to
21 the lease shall not constitute a debt of the state for purposes of the
22 Constitution of the State of Indiana. A lease entered into under this
23 subsection is subject to the same requirements for a lease entered
24 into under subsection (a) with respect to both the existing facility
25 and the capital improvement anticipated to be constructed.

26 (d) This chapter contains full and complete authority for leases
27 between the authority and a state agency and subleases between a
28 state agency and a capital improvement board. No law, procedure,
29 proceedings, publications, notices, consents, approvals, orders, or
30 acts by the board, the governing body of any state agency or the
31 capital improvement board or any other officer, department,
32 agency, or instrumentality of the state or any political subdivision
33 is required to enter into any such lease or sublease, except as
34 prescribed in this chapter.

35 Sec. 27. In order to enable the authority to lease a capital
36 improvement or existing facility to a state agency under section 26
37 of this chapter, the governor may convey, transfer, or sell, with or
38 without consideration, real property (including the buildings,

structures, and improvements), title to which is held in the name of the state, to the authority, without being required to advertise or solicit bids or proposals, in order to accomplish the governmental purposes of this chapter.

Sec. 28. If the authority enters into a lease with a capital improvement board under section 13 of this chapter or a state agency under section 26 of this chapter, which then enters into a sublease with a capital improvement board under section 26(b) of this chapter, and the rental payments owed by the capital improvement board to the authority under the lease or to the state agency under the sublease are payable from the taxes described in section 25 of this chapter or from the taxes authorized under IC 6-9-35, the state budget director may choose the designee of the capital improvement board, which shall receive and deposit the revenues derived from such taxes. The designee shall hold the revenues on behalf of the capital improvement board pursuant to an agreement between the authority and the capital improvement board or between a state agency and the capital improvement board. The agreement shall provide for the application of the revenues in a manner that does not adversely affect the validity of the lease or the sublease, as applicable. The designee must be a trust company or national or state bank within Indiana that has trust powers.

SECTION 3. IC 6-6-9.7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 7. (a) The city-county council of a county that contains a consolidated city may adopt an ordinance to impose an excise tax, known as the county supplemental auto rental excise tax, upon the rental of passenger motor vehicles and trucks in the county for periods of less than thirty (30) days. The ordinance must specify that the tax expires December 31, 2027.

(b) Except as provided in subsection (c), the county supplemental auto rental excise tax that may be imposed upon the rental of a passenger motor vehicle or truck equals two percent (2%) of the gross retail income received by the retail merchant for the rental.

(c) On or before June 30, 2005, the city-county council may, by ordinance adopted by a majority of the members elected to the city-county council, increase the tax imposed under subsection (a) from two percent (2%) to four percent (4%). The ordinance must

1 specify that the original two percent (2%) rate imposed under
 2 subsection (a) continues to be levied after its original expiration
 3 date set forth in subsection (a), and that both the original rate and
 4 the additional rate in the aggregate of four percent (4%) expire on
 5 December 31, 2040.

6 (d) The amount collected from that portion of county
 7 supplemental auto rental excise tax imposed under subsection (c)
 8 shall, in the manner provided by section 11 of this chapter, be
 9 distributed to the capital improvement board of managers
 10 operating in a consolidated city or its designee. So long as there are
 11 any current or future obligations owed by the capital improvement
 12 board of managers to the Indiana stadium and convention building
 13 authority created by IC 5-1-17 or any state agency pursuant to a
 14 lease or other agreement entered into between the capital
 15 improvement board of managers and the Indiana stadium and
 16 convention building authority or any state agency under
 17 IC 5-1-17-26(b), the capital improvement board of managers or its
 18 designee shall deposit the revenues received from that portion of
 19 the county supplemental auto rental excise tax imposed under
 20 subsection (c) in a special fund, which may be used only for the
 21 payment of the obligations described in this subsection.

22 ~~(c)~~ (e) If a city-county council adopts an ordinance under subsection
 23 (a) or (c), the city-county council shall immediately send a certified
 24 copy of the ordinance to the commissioner of the department of state
 25 revenue.

26 ~~(d)~~ (f) If a city-county council adopts an ordinance under subsection
 27 (a) or (c) prior to June 1, the county supplemental auto rental excise tax
 28 applies to auto rentals after June 30 of the year in which the ordinance
 29 is adopted. If the city-county council adopts an ordinance under
 30 subsection (a) or (c) on or after June 1, the county supplemental auto
 31 rental excise tax applies to auto rentals after the last day of the month
 32 in which the ordinance is adopted.

33 SECTION 4. IC 6-6-9.7-12 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 12. This chapter
 35 expires ~~January 1, 2028~~. **December 31, 2040.**

36 SECTION 5. IC 6-9-8-3 IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE MAY 15, 2005]: Sec. 3. (a) ~~Except as provided in~~
 38 ~~subsection (b)~~; The tax imposed by section 2 of this chapter shall be at

1 the rate of:

- 2 (1) before January 1, 2028, five percent (5%) on the gross income
 3 derived from lodging income only, **plus an additional one**
 4 **percent (1%)** if the fiscal body ~~does not adopt~~ **adopts** an
 5 ordinance under subsection (b), ~~and six percent (6%)~~ **plus an**
 6 **additional three percent (3%)** if the fiscal body adopts an
 7 ordinance under subsection ~~(b); (d); and~~
 8 (2) after December 31, 2027, **and before January 1, 2041, five**
 9 **percent (5%) plus an additional three percent (3%) if the**
 10 **fiscal body adopts an ordinance under subsection (d); and**
 11 **(3) after December 31, 2040, five percent (5%).**

12 (b) In any year subsequent to the initial year in which a tax is
 13 imposed under section 2 of this chapter, the fiscal body may, by
 14 ordinance adopted by at least two-thirds (2/3) of the members elected
 15 to the fiscal body, increase the tax imposed by section 2 of this chapter
 16 from five percent (5%) to six percent (6%). The ordinance must specify
 17 that the increase in the tax authorized under this subsection expires
 18 January 1, 2028.

19 (c) The amount collected from an increase adopted under subsection
 20 (b) shall be transferred to the capital improvement board of managers
 21 established by IC 36-10-9-3. The board shall deposit the revenues
 22 received under this subsection in a special fund. Money in the special
 23 fund may be used only for the payment of obligations incurred to
 24 expand a convention center, including:

- 25 (1) principal and interest on bonds issued to finance or refinance
 26 the expansion of a convention center; and
 27 (2) lease agreements entered into to expand a convention center.

28 **(d) On or before June 30, 2005, the fiscal body may, by**
 29 **ordinance adopted by a majority of the members elected to the**
 30 **fiscal body, increase the tax imposed by section 2 of this chapter by**
 31 **an additional three percent (3%) to a total rate of eight percent**
 32 **(8%) (or nine percent (9%) if the fiscal body has adopted an**
 33 **ordinance under subsection (b) and that rate remains in effect).**
 34 **The ordinance must specify that the increase in the tax authorized**
 35 **under this subsection expires December 31, 2040. If the fiscal body**
 36 **adopts an ordinance under this subsection, it shall immediately**
 37 **send a certified copy of the ordinance to the commissioner of the**
 38 **department of state revenue, and the increase in the tax imposed**

1 under this chapter applies to transactions that occur after June 30,
2 2005.

3 (e) The amount collected from an increase adopted under
4 subsection (d) shall be transferred to the capital improvement
5 board of managers established by IC 36-10-9-3 or its designee. So
6 long as there are any current or future obligations owed by the
7 capital improvement board of managers to the Indiana stadium
8 and convention building authority created by IC 5-1-17 or any state
9 agency pursuant to a lease or other agreement entered into between
10 the capital improvement board of managers and the Indiana
11 stadium and convention building authority or any state agency
12 pursuant to IC 5-1-17-26(b), the capital improvement board of
13 managers or its designee shall deposit the revenues received under
14 this subsection in a special fund, which may be used only for the
15 payment of the obligations described in this subsection.

16 SECTION 6. IC 6-9-12-5 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 5. (a) **Subject to**
18 **subsection (b)**, the county food and beverage tax imposed on a food or
19 beverage transaction described in section 3 of this chapter equals one
20 percent (1%) of the gross retail income received by the retail merchant
21 from the transaction. **The tax authorized under this subsection**
22 **expires January 1, 2041.**

23 (b) **On or before June 30, 2005, the city-county council of a**
24 **county may, by a majority vote of the members elected to the**
25 **city-county council, adopt an ordinance that increases the tax**
26 **imposed under this chapter by an additional rate of one percent**
27 **(1%) to a total rate of two percent (2%). The ordinance must**
28 **specify that the increase in the tax authorized under this subsection**
29 **expires January 1, 2041. If a city-county council adopts an**
30 **ordinance under this subsection, it shall immediately send a**
31 **certified copy of the ordinance to the commissioner of the**
32 **department of state revenue, and the increase in the tax imposed**
33 **under this chapter applies to transactions that occur after June 30,**
34 **2005.**

35 (c) For purposes of this chapter, the gross retail income received by
36 the retail merchant from ~~such~~ a transaction **that is subject to the tax**
37 **imposed by this chapter** does not include the amount of tax imposed
38 on the transaction under IC 6-2.5.

SECTION 7. IC 6-9-12-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 8. The amounts received from the county food and beverage tax shall be paid monthly by the treasurer of the state to the treasurer of the capital improvement board of managers of the county **or its designee** upon warrants issued by the auditor of state. **So long as there are any current or future obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency pursuant to a lease or other agreement entered into between the capital improvement board of managers and the Indiana stadium and convention building authority or any state agency pursuant to IC 5-1-17-26(b), the capital improvement board of managers or its designee shall deposit the revenues received from that portion of the county food and beverage tax imposed under section 5(b) of this chapter in a special fund, which may be used only for the payment of the obligations described in this section.**

SECTION 8. IC 6-9-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 1. (a) Except as provided in subsection (b), the city-county council of a county that contains a consolidated first class city may adopt an ordinance to impose an excise tax, known as the county admissions tax, for the privilege of attending, before January 1, ~~2028~~, **2041**, any event and, after December 31, ~~2027~~, **2040**, any professional sporting event:

(1) held in a facility financed in whole or in part by bonds or notes issued under IC 18-4-17 (before its repeal on September 1, 1981), IC 36-10-9, or IC 36-10-9.1; and

(2) to which tickets are offered for sale to the public by:

(A) the box office of the facility; or

(B) an authorized agent of the facility.

(b) The excise tax imposed under subsection (a) does not apply to the following:

(1) An event sponsored by an educational institution or an association representing an educational institution.

(2) An event sponsored by a religious organization.

(3) An event sponsored by an organization that is considered a charitable organization by the Internal Revenue Service for federal tax purposes.

1 (4) An event sponsored by a political organization.

2 (c) If a city-county council adopts an ordinance under subsection (a),
3 it shall immediately send a certified copy of the ordinance to the
4 commissioner of the department of state revenue.

5 (d) If a city-county council adopts an ordinance under subsection (a)
6 **or section 2 of this chapter** prior to June 1, the county admissions tax
7 applies to admission charges collected after June 30 of the year in
8 which the ordinance is adopted. If the city-county council adopts an
9 ordinance under subsection (a) **or section 2 of this chapter** on or after
10 June 1, the county admissions tax applies to admission charges
11 collected after the last day of the month in which the ordinance is
12 adopted.

13 SECTION 9. IC 6-9-13-2 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 2. **(a) Except as**
15 **provided in subsection (b),** the county admissions tax equals five
16 percent (5%) of the price for admission to any event described in
17 section 1 of this chapter.

18 **(b) On or before June 30, 2005, the city-county council may, by**
19 **ordinance adopted by a majority of the members elected to the**
20 **city-county council, increase the county admissions tax from five**
21 **percent (5%) to six percent (6%) of the price for admission to any**
22 **event described in section 1 of this chapter, plus:**

23 **(1) three dollars (\$3) for each admission to a professional**
24 **sporting event described in section 1 of this chapter; and**

25 **(2) one dollar (\$1) for each admission to any other event**
26 **described in section 1 of this chapter.**

27 **(c) The amount collected from that portion of the county**
28 **admissions tax imposed under subsection (b) shall be distributed to**
29 **the capital improvement board of managers or its designee. So long**
30 **as there are any current or future obligations owed by the capital**
31 **improvement board of managers to the Indiana stadium and**
32 **convention building authority created by IC 5-1-17 or any state**
33 **agency pursuant to a lease or other agreement entered into between**
34 **the capital improvement board of managers and the Indiana**
35 **stadium and convention building authority or any state agency**
36 **pursuant to IC 5-1-17-26(b), the capital improvement board of**
37 **managers or its designee shall deposit the revenues received from**
38 **that portion of the county admissions tax imposed under subsection**

(b) in a special fund, which may be used only for the payment of the obligations described in this subsection.

SECTION 10. IC 6-9-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 3. (a) **Subject to subsection (c)**, each person who pays a price for admission to any event described in section 1(a) of this chapter is liable for the tax imposed under this chapter.

(b) **Subject to subsection (c)**, the person who collects the price for admission shall also collect the county admissions tax imposed with respect to the price for admission. The person shall collect the tax at the same time the price for admission is paid, regardless of whether the price paid is for a single admission, for season tickets, or for any other admission arrangement. In addition, the person shall collect the tax as an agent of the state and the county in which the facility described in section 1 of this chapter is located.

(c) A person who is liable for the tax imposed under section 1 of this chapter is entitled to a credit against that part of the tax liability due under section 2(b)(1) of this chapter if:

(1) the tax liability is with respect to attendance at a professional sporting event described in section 1 of this chapter;

(2) the event is conducted at a facility that was financed, constructed, or acquired in the manner provided by IC 5-1-17; and

(3) the professional sports team conducting the event has contributed or agreed to make payments to the capital improvement board of managers or its designee that are sufficient, as determined by the Indiana stadium and convention building authority, to replace all or part of the tax liability due under section 2(b)(1) of this chapter that would otherwise be required to enable the capital improvement board of managers to meet any current or future obligations owed to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency pursuant to a lease or other agreement entered into between the capital improvement board of managers and the Indiana stadium and convention building authority or any state agency pursuant to IC 5-1-17-26(b).

1 **(d) The budget agency shall:**

2 **(1) in consultation with the Indiana stadium and convention**
 3 **building authority and the department of state revenue,**
 4 **establish a method for computing the amount of the credit**
 5 **described in subsection (c); and**

6 **(2) submit the method established under subdivision (1) to the**
 7 **budget committee for its review and recommendation.**

8 SECTION 11. IC 6-9-35 IS ADDED TO THE INDIANA CODE
 9 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 10 MAY 15, 2005]:

11 **Chapter 35. Stadium and Convention Building Food and**
 12 **Beverage Tax Funding**

13 **Sec. 1. This chapter applies to Boone, Johnson, Hamilton,**
 14 **Hancock, Hendricks, Morgan, and Shelby counties (referred to as**
 15 **counties in this chapter) and to the city or town of Avon, Carmel,**
 16 **Fishers, Franklin, Greenfield, Greenwood, Lebanon, Martinsville,**
 17 **Noblesville, and Westfield that are located in those counties**
 18 **(referred to as political subdivisions in this chapter) .**

19 **Sec. 2. The definitions in IC 6-9-12-1 and IC 36-1-2 apply**
 20 **throughout this chapter.**

21 **Sec. 3. As used in this chapter, "authority" refers to the Indiana**
 22 **stadium and convention building authority created by IC 5-1-17.**

23 **Sec. 4. As used in this chapter, "capital improvement board"**
 24 **means the capital improvement board of managers created by**
 25 **IC 36-10-9-3.**

26 **Sec. 5. (a) Except as provided in subsection (d), the fiscal body**
 27 **of a county may adopt an ordinance not later than July 31, 2005, to**
 28 **impose an excise tax, known as the food and beverage tax, on those**
 29 **transactions described in sections 8 and 9 of this chapter that occur**
 30 **anywhere within the county.**

31 **(b) Except as provided in subsection (d), if the county in which**
 32 **the political subdivision is located has adopted an ordinance**
 33 **imposing an excise tax under subsection (a), the fiscal body of a**
 34 **political subdivision may adopt an ordinance not later than**
 35 **September 30, 2005, to impose an excise tax, known as the food and**
 36 **beverage tax, on those transactions described in sections 8 and 9 of**
 37 **this chapter that occur anywhere within the political subdivision.**

38 **(c) The rate of the tax imposed under this chapter equals one**

1 percent (1%) of the gross retail income on the transaction. With
 2 respect to an excise tax in the political subdivisions set forth in
 3 IC 6-9-27-1(1) (Mooreville), IC 6-9-27-1(3) (Plainfield) and
 4 IC 6-9-27-1(4) (Brownsburg), the excise tax imposed by the county
 5 is in addition to the food and beverage tax imposed by those
 6 political subdivisions. With respect to an excise tax imposed by a
 7 county under subsection (a), the excise tax imposed by a political
 8 subdivision under subsection (b) is in addition to the food and
 9 beverage tax imposed by the county in which the political
 10 subdivision is located. For purposes of this chapter, the gross retail
 11 income received by the retail merchant from such a transaction
 12 does not include the amount of tax imposed on the transaction
 13 under IC 6-2.5, IC 6-9-27, or this chapter.

14 (d) If the Marion County city-county council does not adopt all
 15 the ordinances required to be adopted by it under IC 5-1-17-25 on
 16 or before June 30, 2005, the counties and political subdivisions
 17 described in section 1 of this chapter are no longer subject to the
 18 provisions of this chapter. In that event, the fiscal body of the
 19 county or political subdivision may not adopt an ordinance to
 20 impose the excise tax authorized by this chapter, and any ordinance
 21 adopted by the fiscal body under subsection (a) or (b) is no longer
 22 effective.

23 Sec. 6. If a fiscal body adopts an ordinance under section 5 of
 24 this chapter, the clerk shall immediately send a certified copy of the
 25 ordinance to the commissioner of the department of state revenue.

26 Sec. 7. If a fiscal body adopts an ordinance under section 5 of
 27 this chapter, the food and beverage tax applies to transactions that
 28 occur after July 31, 2005.

29 Sec. 8. Except as provided in section 10 of this chapter, a tax
 30 imposed under section 5 of this chapter applies to any transaction
 31 in which food or beverage is furnished, prepared, or served:

- 32 (1) for consumption at a location, or on equipment, provided
- 33 by a retail merchant;
- 34 (2) in the county or political subdivision, or both, in which the
- 35 tax is imposed; and
- 36 (3) by a retail merchant for consideration.

37 Sec. 9. Transactions described in section 8(1) of this chapter
 38 include transactions in which food or beverage is:

- (1) served by a retail merchant off the merchant's premises;
- (2) food sold in a heated state or heated by a retail merchant;
- (3) two (2) or more food ingredients mixed or combined by a retail merchant for sale as a single item (other than food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the federal Food and Drug Administration in chapter 3, subpart 3-401.11 of its Food Code so as to prevent food borne illnesses); or
- (4) food sold with eating utensils provided by a retail merchant, including plates, knives, forks, spoons, glasses, cups, napkins, or straws (for purposes of this subdivision, a plate does not include a container or packaging used to transport the food).

Sec. 10. The food and beverage tax under this chapter does not apply to the furnishing, preparing, or serving of any food or beverage in a transaction that is exempt, or to the extent exempt, from the state gross retail tax imposed by IC 6-2.5.

Sec. 11. The tax that may be imposed under this chapter shall be imposed, paid, and collected in the same manner that the state gross retail tax is imposed, paid, and collected under IC 6-2.5. However, the return to be filed for the payment of the taxes may be made on separate returns or may be combined with the return filed for the payment of the state gross retail tax, as prescribed by the department of state revenue.

Sec. 12. (a) As long as there are any current or future obligations owed by the capital improvement board to the authority or any state agency under a lease or other agreement entered into between the capital improvement board and the authority or any state agency pursuant to IC 5-1-17-26(b), fifty percent (50%) of the amounts received from the taxes imposed under this chapter by counties shall be paid monthly by the treasurer of state to the treasurer of the capital improvement board or its designee upon warrants issued by the auditor of state and the remainder shall be paid monthly by the treasurer of state to the county fiscal officer upon warrants issued by the auditor of state. In any state fiscal year, if the aggregate amount of the taxes imposed under this

chapter by all the counties and paid to the treasurer of the capital improvement board or its designee under this subsection equals five million dollars (\$5,000,000), the entire remainder of the taxes imposed by a county under this chapter during that state fiscal year shall be paid by the treasurer of state to the fiscal officer of the county, upon warrants issued by the auditor of state.

(b) If there are then existing no obligations of the capital improvement board described in subsection (a), the entire amount received from the taxes imposed by a county under this chapter shall be paid monthly by the treasurer of state to the county fiscal officer upon warrants issued by the auditor of state.

(c) The entire amount of the taxes paid to the treasurer of the capital improvement board or its designee under subsection (a) shall be deposited in a special fund and used only for the payment of obligations of the capital improvement board described in subsection (a).

(d) The entire amount received from the taxes imposed by a political subdivision under this chapter shall be paid monthly by the treasurer of state to the political subdivision's fiscal officer upon warrants issued by the auditor of state.

Sec. 13. (a) If a tax is imposed under section 5 of this chapter, the county or political subdivision fiscal officer, or both, shall establish a food and beverage tax fund.

(b) The fiscal officer shall deposit in the fund all amounts received by the fiscal officer under this chapter.

(c) Any money earned from the investment of money in the fund becomes a part of the fund.

Sec. 14. Money in the food and beverage tax fund shall be used by the county or political subdivision:

(1) to reduce the county's or political subdivision's property tax levy for a particular year at the discretion of the county or political subdivision, but this use does not reduce the maximum permissible levy under IC 6-1.1-18.5 for the county or political subdivision; or

(2) for the financing, construction, operation, or maintenance of the following:

(A) Sanitary sewers or wastewater treatment facilities.

(B) Park or recreational facilities.

1 **(C) Drainage or flood control facilities.**

2 **(D) Drinking water treatment, storage, or distribution**
 3 **facilities.**

4 **(E) Roads and streets.**

5 **A county or political subdivision may pledge the money to**
 6 **bonds, leases, or other obligations under IC 5-1-14-4.**

7 **Sec. 15. (a) If there are no obligations of the capital**
 8 **improvement board described in section 12(a) of this chapter then**
 9 **outstanding and there are no bonds, leases, or other obligations**
 10 **then outstanding for which a pledge has been made under section**
 11 **14 of this chapter, the fiscal body may adopt an ordinance, after**
 12 **December 31, 2009, and before December 1, 2010, or any year**
 13 **thereafter, that repeals the ordinance adopted under section 5 of**
 14 **this chapter.**

15 **(b) An ordinance adopted under subsection (a) takes effect**
 16 **January 1 immediately following the date of its adoption. If the**
 17 **fiscal body adopts such an ordinance, the clerk shall immediately**
 18 **send a certified copy of the ordinance to the commissioner of the**
 19 **department of state revenue.**

20 **Sec. 16. With respect to obligations of the capital improvement**
 21 **board described in section 12(a) of this chapter and bonds, leases,**
 22 **or other obligations for which a pledge has been made under**
 23 **section 14 of this chapter, the general assembly covenants with the**
 24 **holders of these obligations that:**

25 **(1) this chapter will not be repealed or amended in any**
 26 **manner that will adversely affect the imposition or collection**
 27 **of the tax imposed under this chapter; and**

28 **(2) this chapter will not be amended in any manner that will**
 29 **change the purpose for which revenues from the tax imposed**
 30 **under this chapter may be used;**

31 **as long as the payment of any of those obligations is outstanding.**

32 **SECTION 12. IC 8-9.5-9-2 IS AMENDED TO READ AS**
 33 **FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 2. As used in this**
 34 **chapter, "authority" means:**

35 **(1) an authority or agency established under IC 8-1-2.2 or**
 36 **IC 8-9.5 through IC 8-23;**

37 **(2) the commission established under IC 4-13.5;**

38 **(3) only in connection with a program established under**

IC 13-18-13 or IC 13-18-21, the bank established under IC 5-1.5;

~~or~~

(4) a fund or program established under IC 13-18-13 or IC 13-18-21;

(5) the authority established under IC 4-4-11; or

(6) the authority established under IC 5-1-17.

SECTION 13. IC 9-13-2-170 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 170. "Special group" means:

(1) a class or group of persons that the bureau finds:

~~(1) that:~~

(A) have made significant contributions to the United States, Indiana, or the group's community or

~~(B) are descendants of native or pioneer residents of Indiana;~~

~~(2) (B) are organized as a nonprofit organization (as defined under Section 501(c) of the Internal Revenue Code);~~

~~(3) (C) are organized for nonrecreational purposes; and~~

~~(4) (D) are organized as a separate, unique organization or as a coalition of separate, unique organizations; or~~

(2) a professional sports franchise.

SECTION 14. IC 9-18-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A person who is the registered owner or lessee of a:

(1) passenger motor vehicle;

(2) motorcycle;

(3) recreational vehicle; or

(4) vehicle registered as a truck with a declared gross weight of not more than:

(A) eleven thousand (11,000) pounds;

(B) nine thousand (9,000) pounds; or

(C) seven thousand (7,000) pounds;

registered with the bureau or who makes an application for an original registration or renewal registration of a vehicle may apply to the bureau for a personalized license plate to be affixed to the vehicle for which registration is sought instead of the regular license plate.

(b) A person who:

(1) is the registered owner or lessee of a vehicle described in subsection (a); and

- 1 (2) is eligible to receive a license plate for the vehicle under:
- 2 (A) IC 9-18-17 (prisoner of war license plates);
- 3 (B) IC 9-18-18 (disabled veteran license plates);
- 4 (C) IC 9-18-19 (purple heart license plates);
- 5 (D) IC 9-18-20 (Indiana National Guard license plates);
- 6 (E) IC 9-18-21 (Indiana Guard Reserve license plates);
- 7 (F) IC 9-18-22 (license plates for persons with disabilities);
- 8 (G) IC 9-18-23 (amateur radio operator license plates);
- 9 (H) IC 9-18-24 (civic event license plates);
- 10 (I) IC 9-18-25 (special group recognition license plates);
- 11 (J) IC 9-18-29 (environmental license plates);
- 12 (K) IC 9-18-30 (kids first trust license plates);
- 13 (L) IC 9-18-31 (education license plates);
- 14 (M) IC 9-18-32.2 (drug free Indiana trust license plates);
- 15 (N) IC 9-18-33 (Indiana FFA trust license plates);
- 16 (O) IC 9-18-34 (Indiana firefighter license plates);
- 17 (P) IC 9-18-35 (Indiana food bank trust license plates);
- 18 (Q) IC 9-18-36 (Indiana girl scouts trust license plates);
- 19 (R) IC 9-18-37 (Indiana boy scouts trust license plates);
- 20 (S) IC 9-18-38 (Indiana retired armed forces member license
- 21 plates);
- 22 (T) IC 9-18-39 (Indiana antique car museum trust license
- 23 plates);
- 24 (U) IC 9-18-40 (D.A.R.E. Indiana trust license plates);
- 25 (V) IC 9-18-41 (Indiana arts trust license plates);
- 26 (W) IC 9-18-42 (Indiana health trust license plates);
- 27 (X) IC 9-18-43 (Indiana mental health trust license plates);
- 28 (Y) IC 9-18-44 (Indiana Native American Trust license plates);
- 29 (Z) IC 9-18-45.8 (Pearl Harbor survivor license plates);
- 30 (AA) IC 9-18-46.2 (Indiana state educational institution trust
- 31 license plates);
- 32 (BB) IC 9-18-47 (Lewis and Clark bicentennial license plates);
- 33 **or**
- 34 (CC) IC 9-18-48 (Riley Children's Foundation license plates);
- 35 **or**
- 36 **(DD) IC 9-18-49 (Professional sports teams license plates);**
- 37 may apply to the bureau for a personalized license plate to be affixed
- 38 to the vehicle for which registration is sought instead of the regular

1 special recognition license plate.

2 SECTION 15. IC 9-18-49 IS ADDED TO THE INDIANA CODE
3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2005]:

5 **Chapter 49. Professional Sports Teams License Plates**

6 **Sec. 1. The bureau shall design and issue a professional sports**
7 **teams license plate for a professional sports team from which the**
8 **bureau secures an agreement for the production and sale of license**
9 **plates. A professional sports team license plate shall be designed**
10 **and issued as a special group recognition license plate under**
11 **IC 9-18-25.**

12 **Sec. 2. The bureau shall:**

13 (1) negotiate for the purpose of entering; or
14 (2) delegate the authority to enter;
15 into license agreements with a professional sports franchise in
16 order to design and issue a professional sports teams license plate
17 authorized under section 1 of this chapter.

18 **Sec. 3. After December 31, 2005, a person who is eligible to**
19 **register a motor vehicle under this title is eligible to receive a**
20 **specified professional sports teams license plate issued under a**
21 **licensing agreement entered into under section 2 of this chapter**
22 **with a specified professional sports franchise upon doing the**
23 **following:**

24 (1) Completing an application for a specified professional
25 sports teams license plate.
26 (2) Paying the fees under section 4 of this chapter.

27 **Sec. 4. (a) The fees for a professional sports teams license plate**
28 **are as follows:**

29 (1) The appropriate fees under IC 9-29-5-38(d)(1),
30 IC 9-29-5-38(d)(2), and IC 9-29-5-38(d)(3).

31 (2) An annual fee under IC 9-29-5-38(d)(4), to be determined
32 by the bureau by rule.

33 **(b) The annual fee described in subsection (a)(2) shall be:**

34 (1) collected by the bureau; and
35 (2) deposited in the capital projects trust fund established by
36 section 5 of this chapter.

37 **Sec. 5. (a) The capital projects trust fund is established.**

38 **(b) The treasurer of state shall invest the money in the capital**

1 projects trust fund not currently needed to meet the obligations of
 2 the capital projects trust fund in the same manner as other public
 3 trust funds are invested. Interest that accrues from these
 4 investments shall be deposited in the capital projects trust fund.
 5 Money in the fund is continuously appropriated for the purposes
 6 of this section.

7 (c) The budget director shall administer the capital projects
 8 trust fund. Expenses of administering the capital projects trust
 9 fund shall be paid from money in the capital projects trust fund.

10 (d) On:

11 (1) June 30 of every year after June 30, 2006; or

12 (2) any other date designated by the budget director;

13 an amount designated by the budget director shall be transferred
 14 from the fund to the state general fund or to any fund established
 15 to pay bonds (as defined in IC 5-1-17-3) issued by the Indiana
 16 stadium and convention building authority created by IC 5-1-17.
 17 Money transferred to the state general fund under this subsection
 18 shall be used exclusively to fund appropriations made by the
 19 general assembly for capital projects.

20 (e) Money in the fund at the end of a state fiscal year does not
 21 revert to the state general fund.

22 Sec. 6. The budget agency shall adopt rules under IC 4-22-2 to
 23 implement this chapter.

24 SECTION 16. IC 9-29-5-38 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 38. (a) Except as
 26 provided in ~~subsection~~ subsections (c) and (d), vehicles registered
 27 under IC 9-18-25 are subject to the following:

28 (1) An appropriate annual registration fee.

29 (2) An annual supplemental fee of ten dollars (\$10).

30 (3) Any other fee or tax required of a person registering a vehicle
 31 under this title.

32 (b) The bureau shall distribute all money collected under the annual
 33 supplemental fee under subsection (a)(2) as follows:

34 (1) Five dollars (\$5) from each registration is appropriated to the
 35 bureau of motor vehicles for the purpose of administering
 36 IC 9-18-25.

37 (2) Five dollars (\$5) from each registration shall be deposited in
 38 the state license branch fund under IC 9-29-14.

(c) A vehicle registered under IC 9-18-25 that is owned by a former prisoner of war or by the prisoner's surviving spouse is exempt from the annual registration fee and the annual supplemental fee.

(d) A motor vehicle registered and issued a special group recognition license plate under IC 9-18-25 and IC 9-18-49 is subject to the following:

(1) An appropriate annual registration fee.

(2) An annual supplemental fee of twenty dollars (\$20).

(3) Any other fee or tax required of a person registering a vehicle under this title.

(4) An annual fee to be determined by the bureau by rule, as provided in IC 9-18-49-4(a)(2).

SECTION 17. IC 36-7-31-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 10. A commission may establish as part of a professional sports development area any facility:

(1) that is used in the training of a team engaged in professional sporting events; or

(2) that is:

(A) financed in whole or in part by:

(i) notes or bonds issued by a political subdivision or issued under IC 36-10-9 or IC 36-10-9.1; or

(ii) a lease or other agreement under IC 5-1-17; and

(B) used to hold a professional sporting event.

The tax area may include a facility described in this section and any parcel of land on which the facility is located. An area may contain noncontiguous tracts of land within the county.

SECTION 18. IC 36-7-31-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 11. (a) A tax area must be initially established before July 1, 1999, according to the procedures set forth for the establishment of an economic development area under IC 36-7-15.1. A tax area may be changed **(including to the exclusion or inclusion of a facility described in this chapter)** or the terms governing the tax area **may be** revised in the same manner as the establishment of the initial tax area. **However, after May 14, 2005:**

(1) a tax area may be changed only to include the site or future site of a facility that is or will be the subject of a lease or other agreement entered into between the capital

improvement board and the Indiana stadium and convention building authority or any state agency under IC 5-1-17; and (2) the terms governing a tax area may be revised only with respect to a facility described in subdivision (1).

(b) In establishing **or changing the tax area or revising the terms governing** the tax area, the commission must make the following findings instead of the findings required for the establishment of economic development areas:

(1) That a project to be undertaken or that has been undertaken in the tax area is for a facility at which a professional sporting event **or a convention or similar event** will be held.

(2) That the project to be undertaken or that has been undertaken in the tax area will benefit the public health and welfare and will be of public utility and benefit.

(3) That the project to be undertaken or that has been undertaken in the tax area will protect or increase state and local tax bases and tax revenues.

(c) The tax area established by the commission under this chapter is a special taxing district authorized by the general assembly to enable the county to provide special benefits to taxpayers in the tax area by promoting economic development that is of public use and benefit.

SECTION 19. IC 36-7-31-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 14. (a) A tax area must be established by resolution. A resolution establishing a tax area must provide for the allocation of covered taxes attributable to a taxable event or covered taxes earned in the tax area to the professional sports development area fund established for the county. The allocation provision must apply to the entire tax area. The resolution must provide that the tax area terminates not later than December 31, 2027.

(b) All of the salary, wages, bonuses, and other compensation that are:

(1) paid during a taxable year to a professional athlete for professional athletic services;

(2) taxable in Indiana; and

(3) earned in the tax area;

shall be allocated to the tax area if the professional athlete is a member of a team that plays the majority of the professional athletic events that the team plays in Indiana in the tax area.

1 (c) **Except as provided by section 14.1 of this chapter**, the total
 2 amount of state revenue captured by the tax area may not exceed five
 3 million dollars (\$5,000,000) per year for twenty (20) consecutive years.

4 (d) The resolution establishing the tax area must designate the
 5 facility and the facility site for which the tax area is established and
 6 covered taxes will be used.

7 (e) The department may adopt rules under IC 4-22-2 and guidelines
 8 to govern the allocation of covered taxes to a tax area.

9 SECTION 20. IC 36-7-31-14.1 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE MAY 15, 2005]: **Sec. 14.1. (a) The budget director**
 12 **appointed under IC 4-12-1-3 may determine that, commencing July**
 13 **1, 2007, there may be captured in the tax area up to eleven million**
 14 **dollars (\$11,000,000) per year in addition to the up to five million**
 15 **dollars (\$5,000,000) of state revenue to be captured by the tax area**
 16 **under section 14 of this chapter, for up to thirty-four (34)**
 17 **consecutive years. The budget director's determination must**
 18 **specify that the termination date of the tax area for purposes of the**
 19 **collection of the additional eleven million dollars (\$11,000,000) per**
 20 **year is extended to not later than December 31, 2040. Following the**
 21 **budget director's determination, and commencing July 1, 2007, the**
 22 **maximum total amount of revenue captured by the tax area for**
 23 **years ending before January 1, 2028, shall be sixteen million dollars**
 24 **(\$16,000,000) per year, and for years ending after December 31,**
 25 **2027, shall be eleven million dollars (\$11,000,000) per year.**

26 (b) The additional revenue captured pursuant to a
 27 determination under subsection (a) shall be distributed to the
 28 capital improvement board or its designee. So long as there are any
 29 current or future obligations owed by the capital improvement
 30 board to the Indiana stadium and convention building authority
 31 created by IC 5-1-17 or any state agency pursuant to a lease or
 32 other agreement entered into between the capital improvement
 33 board and the Indiana stadium and convention building authority
 34 or any state agency pursuant to IC 5-1-17-26(b), the capital
 35 improvement board or its designee shall deposit the additional
 36 revenue received under this subsection in a special fund, which
 37 may be used only for the payment of the obligations described in
 38 this subsection.

SECTION 21. IC 36-7-31-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 21. **Except as provided in section 14.1 of this chapter**, the capital improvement board may use money distributed from the fund only to construct and equip a capital improvement that is used for a professional sporting event, including the financing or refinancing of a capital improvement or the payment of lease payments for a capital improvement.

SECTION 22. IC 36-7-31-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 23. This chapter expires December 31, ~~2027~~ **2040**.

SECTION 23. IC 36-7-31.3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 9. (a) A tax area must be initially established by resolution:

(1) except as provided in subdivision (2) before July 1, 1999; or

(2) before January 1, 2005, **in the case of:**

(A) ~~in the case of~~ a second class city; or

(B) the city of Marion;

according to the procedures set forth for the establishment of an economic development area under IC 36-7-14. **Before May 15, 2005**, a tax area may be changed or the terms governing the tax area revised in the same manner as the establishment of the initial tax area. **After May 14, 2005, a tax area may not be changed and the terms governing a tax area may not be revised.** Only one (1) tax area may be created in each county.

(b) In establishing the tax area, the designating body must make the following findings instead of the findings required for the establishment of economic development areas:

(1) Except for a tax area in a city having a population of:

(A) more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000); or

(B) more than ninety thousand (90,000) but less than one hundred five thousand (105,000);

there is a capital improvement that will be undertaken or has been undertaken in the tax area for a facility that is used by a professional sports franchise for practice or competitive sporting events. A tax area to which this subdivision applies may also include a capital improvement that will be undertaken or has been undertaken in the tax area for a facility that is used for any

1 purpose specified in section 8(a)(2) of this chapter.

2 (2) For a tax area in a city having a population of more than one
3 hundred fifty thousand (150,000) but less than five hundred
4 thousand (500,000), there is a capital improvement that will be
5 undertaken or has been undertaken in the tax area for a facility
6 that is used for any purpose specified in section 8(a) of this
7 chapter.

8 (3) For a tax area in a city having a population of more than ninety
9 thousand (90,000) but less than one hundred five thousand
10 (105,000), there is a capital improvement that will be undertaken
11 or has been undertaken in the tax area for a facility that is used for
12 any purpose specified in section 8(a)(2) of this chapter.

13 (4) The capital improvement that will be undertaken or that has
14 been undertaken in the tax area will benefit the public health and
15 welfare and will be of public utility and benefit.

16 (5) The capital improvement that will be undertaken or that has
17 been undertaken in the tax area will protect or increase state and
18 local tax bases and tax revenues.

19 (c) The tax area established under this chapter is a special taxing
20 district authorized by the general assembly to enable the designating
21 body to provide special benefits to taxpayers in the tax area by
22 promoting economic development that is of public use and benefit.

23 SECTION 24. IC 6-9-12-9 IS REPEALED [EFFECTIVE MAY 15,
24 2005].

25 SECTION 25. [EFFECTIVE MAY 15, 2005] (a) **If a member of**
26 **the board of directors of the Indiana stadium and convention**
27 **building authority to be appointed under IC 5-1-17-7(a)(4) or**
28 **IC 5-1-17-7(a)(5) is not appointed for the initial term on or before**
29 **June 30, 2005, the governor shall appoint that member for the**
30 **initial term.**

31 (b) **This SECTION expires July 1, 2006.**

32 SECTION 26. [EFFECTIVE UPON PASSAGE] (a)
33 **Notwithstanding IC 9-18-49-4(a)(2) and IC 9-29-5-38(d)(4), both as**
34 **added by this act, the bureau of motor vehicles shall carry out the**
35 **duties imposed upon it by IC 9-18-49-4(a)(2) and**
36 **IC 9-29-5-38(d)(4), both as added by this act, under interim written**
37 **guidelines approved by the commissioner of the bureau of motor**
38 **vehicles.**

1 **(b) This SECTION expires the earlier of the following:**
 2 **(1) The date rules are adopted under IC 9-18-49-4(a)(2) and**
 3 **IC 9-29-5-38(d)(4).**
 4 **(2) December 31, 2006.**
 5 SECTION 27. [EFFECTIVE UPON PASSAGE] **(a)**
 6 **Notwithstanding IC 9-18-49-6, as added by this act, the budget**
 7 **agency shall carry out the duties imposed upon it by IC 9-18-49-6,**
 8 **as added by this act, under interim written guidelines approved by**
 9 **the director of the budget agency.**
 10 **(b) This SECTION expires the earlier of the following:**
 11 **(1) The date rules are adopted under IC 9-18-49-6.**
 12 **(2) December 31, 2006.**
 13 SECTION 28. **An emergency is declared for this act.**
 (Reference is to HB 1083 as printed January 7, 2005.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

Kenley

Chairperson